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SENATE BILL 977

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

BILLY J. MCKIBBEN

AN ACT

RELATING TO BUSINESS; ENACTING THE SMOKING ACCOMMODATIONS ACT;
PROVIDING A PREEMPTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Smoking Accommodations Act".

Section 2. PURPOSE. -- The purpose of the Smoking
Accommodations Act is to prohibit smoking in designated areas
and provide for smoke-free and smoking-permitted areas in retail
businesses.

Section 3. DEFINITION. -- As used in the Smoking
Accommodations Act, "smoking" means the act of inhaling the
smoke from or possessing a lighted cigarette, cigar, pipe or any
other form of tobacco or similar substance used for smoking.

Section 4. RETAIL BUSINESS--SMOKING REGULATION. -- In all

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1 enclosed areas of retail businesses during the hours in which
2 the public is invited or permitted access, smoking is prohibited
3 unless a designated smoking area has been set aside by the
4 owner, manager or operator.

5 Section 5. PREEMPTION. --No person, agency of state or
6 local government or political subdivision of the state shall
7 adopt policies, rules, regulations or ordinances that are more
8 stringent than or fail to comply with the provisions of the
9 Smoking Accommodations Act. All local government ordinances in
10 effect on the effective date of that act that conflict with the
11 provisions of that act are void.

12 Section 6. SEVERABILITY. --If any part or application of
13 the Smoking Accommodations Act is held invalid, the remainder or
14 its application to other situations or persons shall not be
15 affected.

16 Section 7. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 1997.